

MONTANA MEDICAL LEGAL PANEL

**AUDITED FINANCIAL STATEMENTS
With Supplemental Information**

December 31, 2013 and 2012



**Junkermier • Clark
Campanella • Stevens • P.C.**

Certified Public Accountants and Business Advisors

MONTANA MEDICAL LEGAL PANEL

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LEGISLATIVE AUDIT DIVISION

Tori Hunthausen, Legislative Auditor
Deborah F. Butler, Legal Counsel



Deputy Legislative Auditors:
Cindy Jorgenson
Angus Maciver

June 2014

The Legislative Audit Committee
of the Montana State Legislature:

Enclosed is the report on the audit of the Montana Medical-Legal Panel, Montana Supreme Court,
for the fiscal year ended December 31, 2013.

The audit was conducted by Junkermier, Clark, Campanella, Stevens, P.C., under a contract
between the firm and our office. The contents of this report represent the views of the firm and
not necessarily the Legislative Auditor.

The agency's written response to the report is included in the back of the audit report.

Respectfully submitted,

/s/ Tori Hunthausen

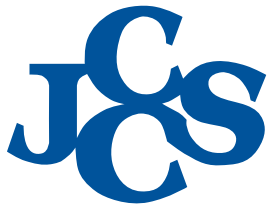
Tori Hunthausen, CPA
Legislative Auditor

14C-05

**MONTANA MEDICAL LEGAL PANEL
ADMINISTRATIVE OFFICIALS**

Jean Branscum
Carl Deitchman

Director
Fiscal Director



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Certified Public Accountants and Business Advisors

INDEPENDENT AUDITORS' REPORT

To the Legislative Audit Committee
of the Montana State Legislature
Helena, Montana

We have audited the accompanying cash basis financial statements of the governmental activities of Montana Medical Legal Panel, as of and for the years December 31, 2013 and 2012, and the related notes to the financial statements, which collectively comprise the Panel's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting as described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective cash basis financial position of the governmental activities and major fund of the Montana Medical Legal Panel, as of December 31, 2013 and 2012, and the respective changes in cash basis financial position for the years then ended, in accordance with the cash basis of accounting as described in Note 1.

Basis of Accounting

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Other Information

Our audit was conducted for the purpose of forming opinions on the cash basis financial statements that collectively comprise the Montana Medical Legal Panel's basic financial statements. The statements of revenue collected and expenditures paid - budget vs actual for the years ended December 31, 2013 and 2012 are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The statements of revenue collected and expenditures paid - budget vs actual are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the statements of revenue collected and expenditures paid - budget vs actual are fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated May 28, 2014, on our consideration of Montana Medical Legal Panel's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Montana Medical Legal Panel's internal control over financial reporting and compliance.

Junkermier, Clark, Campanella, Stevens, P.C.

Helena, Montana
May 28, 2014

MONTANA MEDICAL LEGAL PANEL
STATEMENT OF ASSETS, LIABILITIES, AND FUND BALANCES - CASH BASIS
December 31, 2013 and 2012

		December 31	
		2013	2012
		<u></u>	<u></u>
ASSETS			
ASSETS			
Cash in bank, restricted		\$ 184,089	\$ 215,264
Investments, restricted		<u>156,498</u>	<u>155,010</u>
Total assets		<u><u>\$ 340,587</u></u>	<u><u>\$ 370,274</u></u>
FUND BALANCE			
FUND BALANCES			
Restricted		<u>\$ 340,587</u>	<u>\$ 370,274</u>
Total liabilities and fund balances		<u><u>\$ 340,587</u></u>	<u><u>\$ 370,274</u></u>

See the notes to financial statements.

**MONTANA MEDICAL LEGAL PANEL
STATEMENTS OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES - CASH BASIS
December 31, 2013 and 2012**

	Years ended December 31	
	2013	2012
REVENUES		
Assessment fees	\$ 574,231	\$ 655,524
Interest income	5,290	4,259
Miscellaneous income	5,925	6,031
Unrealized (loss) gain	(3,365)	1,645
Total revenues	<u>582,081</u>	<u>667,459</u>
EXPENDITURES		
Current		
Administrative	261,672	285,055
Computer software	11,105	6,795
Panelist travel	66,214	65,094
Panelist hearing time	63,308	64,636
Records reproduction	9,380	9,331
Panelist preparation and travel time	122,401	117,679
Panel legal counsel	10,474	12,000
Medical records and x-rays	28,236	35,518
Postage	13,452	13,171
Meeting rooms	9,733	10,621
Office supplies	3,961	8,279
Telephone	2,112	2,383
Miscellaneous	1,891	3,254
Liability insurance	2,529	2,529
Professional services	<u>5,300</u>	<u>5,200</u>
Total expenditures	<u>611,768</u>	<u>641,545</u>
CHANGE IN FUND BALANCE	(29,687)	25,914
Fund balance, beginning of year	<u>370,274</u>	<u>344,360</u>
FUND BALANCES, END OF YEAR	<u><u>\$ 340,587</u></u>	<u><u>\$ 370,274</u></u>

See the notes to financial statements.

**MONTANA MEDICAL LEGAL PANEL
NOTES TO FINANCIAL STATEMENTS
December 31, 2013 and 2012**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Activities

Montana Medical Legal Panel ("the Panel") was established by the "Montana Medical Legal Panel Act" as authorized by Section 27-6-101 and 104 MCA. The panel is attached to the Montana Supreme Court for administrative purposes only, except that 2-15-121(2) M.C.A. does not apply.

The Montana Medical Legal Panel was created to review all malpractice claims or potential claims against health care providers. The purpose of the Montana Medical Legal Panel is to prevent, whenever possible, the filing of court actions against health care providers and their employees for professional liability situations in which the facts do not permit at least a reasonable inference of malpractice, and to make possible the fair and equitable disposition of such claims against health care providers as are or reasonably may be well founded.

Basis of Accounting

The accompanying financial statements have been prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. Accordingly, revenue is recorded when received rather than when earned and expenditures are recognized when paid rather than when the obligation is incurred.

Fund Accounting and Balances

The Montana Medical Legal Panel is funded with state special revenue funds derived from annual assessments. Accounts are organized in funds according to state law. The Panel uses the following funds:

Governmental Funds:

Special Revenue Fund - accounts for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. Legislative appropriation is required to spend from this fund.

For the year ended December 31, 2012, the Panel implemented the provisions GASB Statement 54 Fund Balance Reporting and Governmental Fund Type Definitions. The objective of Statement 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is found to observe constraints imposed upon the use of resources reported in governmental funds. The clarifications of the governmental fund type definitions should reduce uncertainty about which resources can or should be reported in the respective fund types. These new classifications include nonspendable and spendable, which is further reported as restricted, committed, assigned and unassigned.

MONTANA MEDICAL LEGAL PANEL
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
December 31, 2013 and 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Fund Accounting and Balances (Continued)

As of December 31, 2013 and 2012, fund balances of the governmental special revenue funds are classified as follows:

Nonspendable — amounts that cannot be spent either because they are in nonspendable form or because they are legally or contractually required to be maintained intact. The Panel had no nonspendable fund balances as of December 31, 2013 and 2012.

Restricted — amounts that can be spent only for specific purposes because of constitutional provisions or enabling legislation or because of constraints that are externally imposed by creditors, grantors, contributors, or the laws or regulations of other governments. The Panel's fund balance is restricted by enabling legislation.

Committed — amounts that can be used only for specific purposes determined by state legislation and appropriated to the Panel. The Panel had no committed fund balances as of December 31, 2013 and 2012.

Assigned — amounts that do not meet the criteria to be classified as restricted or committed but that are intended to be used for specific purposes. The Panel had no assigned fund balances as of December 31, 2013 and 2012.

Unassigned — all other spendable amounts. The Panel had no unassigned fund balances as of December 31, 2013 and 2012.

When both restricted and unrestricted resources are available in a fund, the assumed order of spending is restricted first, next committed, next assigned, and finally unassigned.

Assessment Fees

The Montana Medical Legal Panel is funded by an annual assessment fee levied against licensed physicians, dentists, podiatrists, hospitals, and other health care facilities in an amount sufficient to meet all panel costs. Annual assessments are apportioned among each group of health care providers according to the number of claims brought against each type of provider.

Cash and Investments:

The Montana Medical Legal Panel considers all highly liquid investments with maturity of three months or less when purchased to be cash equivalents. Due to their highly liquid nature, carrying value approximates fair value. As of December 31, 2013 and 2012, there were no cash equivalents.

Investments with maturities of one year or less consist of mutual funds held at Edward Jones. The Montana Medical Legal Panel values these investments at their fair value.

Under professional standards, investments in marketable securities with readily determinable fair values and all investments in debt securities are valued at fair values in the statements of assets, liabilities and net assets - modified cash basis. Unrealized gains and losses are included in the change in fund balance.

MONTANA MEDICAL LEGAL PANEL
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
December 31, 2013 and 2012

2. CASH AND INVESTMENTS

Cash in the bank consists of the following deposit accounts as of December 31:

	<u>2013</u>	<u>2012</u>
Valley Bank - checking	\$ 77,376	\$ 74,679
US Bank - money market	-	9,297
First Community Bank - money market	97,322	121,967
Mountain West Bank - money market	<u>9,391</u>	<u>9,321</u>
	<u><u>\$ 184,089</u></u>	<u><u>\$ 215,264</u></u>

Individual accounts are insured by the Federal Deposit Insurance Corporation up to \$250,000 and balances throughout the year did not exceed this amount.

The following table presents the cost and the fair value of investments at December 31,

	<u>2013</u>		<u>2012</u>	
	<u>Cost</u>	<u>Fair Value</u>	<u>Cost</u>	<u>Fair Value</u>
Short-Term Bond Funds	<u>\$ 158,217</u>	<u>\$ 156,498</u>	<u>\$ 153,365</u>	<u>\$ 155,010</u>

Montana statutes authorize the Montana Medical Legal Panel to invest in direct obligations of the U.S. government in savings or time deposits in a state or national bank, building or loan association, or credit union located in Montana; in investments of the Montana Short Term Investment Pool management by the Montana Board of Investments; or in repurchase agreements.

Effective December 31, 2012, the Program implemented the provisions of Governmental Accounting Standards Board (GASB) Statement No. 40 "Deposits and Investment Risk Disclosures". The investment risk disclosures are described in the following paragraphs.

Credit Risk

Credit risk is defined as the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The short-term bond funds have credit risk as measured by major credit rating services. This risk is that the issuer of securities held in the short-term bond funds may default in making timely principal and interest payments. The short-term bond funds held a four star Morningstar rating as of December 31, 2013.

Custodial Credit Risk

Custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of the investment or collateral securities that are in the possession of the outside party.

As of December 31, 2013, all investments at Edward Jones are covered by Securities Investor Protection Corporation (SIPC).

MONTANA MEDICAL LEGAL PANEL
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
December 31, 2013 and 2012

2. CASH AND INVESTMENTS (Continued)

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Panel does not have a formal investment policy that limits investments maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

3. RELATED PARTIES

Jean Branscum is the executive vice president of the Montana Medical Association and the director of the Montana Medical Legal Panel. The Montana Medical Association bills the Montana Medical Legal Panel for services and facilities provided to that Organization. This administrative fee is subject to the approval of the Chief Justice of the Montana Supreme Court. The Montana Medical Association was paid administrative fees of \$261,672 and \$285,055 for the years ended December 31, 2013 and 2012, respectively.

5. RISK MANAGEMENT

The Panel is exposed to risk of loss primarily through the possible errors and omissions pertaining to claims filed with the Panel. This risk is transferred through the purchase of a professional liability policy from a private insurance carrier.

5. SUBSEQUENT EVENTS

Management has evaluated subsequent events through May 28, 2014, the date on which the financial statements were available to be issued.

MONTANA MEDICAL LEGAL PANEL
SCHEDULE OF REVENUES COLLECTED AND EXPENDITURES PAID - BUDGET VS. ACTUAL
FOR THE YEAR ENDED DECEMBER 31, 2013

	<u>TOTAL</u>	<u>BUDGET</u>	<u>VARIANCE</u> <u>FAVORABLE</u> <u>(UNFAVORABLE)</u>
REVENUE			
Assessment fees	\$ 574,231	\$ 596,636	\$ (22,405)
Interest income	5,290	2,150	3,140
Unrealized loss	(3,365)	-	(3,365)
Miscellaneous income	<u>5,925</u>	<u>5,385</u>	<u>540</u>
	<u>582,081</u>	<u>604,171</u>	<u>(22,090)</u>
EXPENDITURES			
Current			
Administrative	261,672	267,672	6,000
Computer software	11,105	56,600	45,495
Panelist travel	66,214	71,600	5,386
Panelist hearing time	63,308	71,100	7,792
Records reproduction	9,380	10,300	920
Panelist prep and travel time	122,401	129,400	6,999
Panel legal counsel	10,474	8,000	(2,474)
Medical records and x-rays	28,236	39,000	10,764
Postage	13,452	14,500	1,048
Panel consultant	-	1,000	1,000
Meeting rooms	9,733	12,000	2,267
Office supplies	3,961	7,500	3,539
Telephone	2,112	2,700	588
Miscellaneous	1,893	3,850	1,957
Liability insurance	2,529	2,750	221
Professional services	5,300	5,300	-
Legal defense	<u>-</u>	<u>15,000</u>	<u>15,000</u>
	<u>611,770</u>	<u>718,272</u>	<u>106,502</u>
Net Income (Loss)	<u>\$ (29,689)</u>	<u>\$ (114,101)</u>	<u>\$ 84,412</u>

See the accompanying independent auditors' report.

MONTANA MEDICAL LEGAL PANEL
SCHEDULE OF REVENUES COLLECTED AND EXPENDITURES PAID - BUDGET VS. ACTUAL
FOR THE YEAR ENDED DECEMBER 31, 2012

	<u>TOTAL</u>	<u>BUDGET</u>	<u>VARIANCE</u> <u>FAVORABLE</u> <u>(UNFAVORABLE)</u>
REVENUE			
Assessment fees	\$ 655,524	\$ 658,161	\$ (2,637)
Interest income	4,259	1,654	2,605
Unrealized gain	1,645	-	1,645
Miscellaneous income	<u>6,031</u>	<u>5,321</u>	<u>710</u>
	<u>667,459</u>	<u>665,136</u>	<u>2,323</u>
EXPENDITURES			
Current			
Administrative	285,055	285,055	-
Computer software	6,795	69,000	62,205
Panelist travel	65,094	67,300	2,206
Panelist hearing time	64,636	75,400	10,764
Records reproduction	9,331	8,000	(1,331)
Panelist prep and travel time	117,679	130,600	12,921
Panel legal counsel	12,000	17,500	5,500
Medical records and x-rays	35,518	29,250	(6,268)
Postage	13,171	15,000	1,829
Temporary personnel	-	-	-
Panel consultant	-	1,000	1,000
Meeting rooms	10,621	10,600	(21)
Office supplies	8,279	5,000	(3,279)
Telephone	2,383	3,000	617
Miscellaneous	3,254	4,500	1,246
Liability insurance	2,529	3,000	471
Professional services	5,200	5,200	-
Legal defense	<u>-</u>	<u>16,000</u>	<u>16,000</u>
	<u>641,545</u>	<u>745,405</u>	<u>103,860</u>
Net Income (Loss)	<u><u>\$ 25,914</u></u>	<u><u>\$ (80,269)</u></u>	<u><u>\$ 106,183</u></u>

See the accompanying independent auditors' report.

**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Legislative Audit Committee
of the Montana State Legislature
Helena, Montana

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities of Montana Medical Legal Panel as of and for the year ended December 31, 2013, and the related notes to the financial statements, which collectively comprise Montana Medical Legal Panel's basic financial statements, and have issued our report thereon dated May 28, 2014.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Montana Medical Legal Panel's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Montana Medical Legal Panel's internal control. Accordingly, we do not express an opinion on the effectiveness of the Montana Medical Legal Panel's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Montana Medical Legal Panel's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Per MCA 27-6-207, during a Panel audit the report must include a determination of the adequacy, sufficiency, and reasonableness of the annual surcharge or assessment. We have determined the assessment for the year ended December 31, 2013 to be adequate, sufficient, and reasonable.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Junkermier, Clark, Campanella, Stevens, P.C.

Helena, Montana
May 28, 2014